



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 28, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-0456

Dear Mr. Drinnen:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39001.

The Amarillo Police Department (the "department") received an open records request for all investigation reports that include a named individual as a witness, suspect, or complainant. You assert that some of the requested information is confidential and may not be disclosed, pursuant to section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. You submitted to this office for review the requested reports, which concern juvenile conduct that occurred prior to January 1, 1996.

Section 51.14 of the Family Code was repealed and substantially revised as part of chapter 58 of the Family Code, effective as of January 1, 1996. Prior to its repeal, section 51.14(d) provided, in pertinent part:

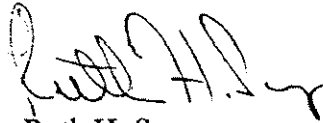
Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590; *see also* Open Records Decision No. 181 (1977) at 2 (police reports which identify juveniles or furnish basis for their identification are excepted by former Family Code § 51.14(d)). Law-enforcement records pertaining to juvenile conduct that occurred prior to the effective date of the repeal continue to be confidential under that

section. *See* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 106, 1995 Tex. Sess. Law Serv. 2517, 2591 (Vernon).¹ Because the juvenile conduct that is the subject of the records at issue occurred prior to January 1, 1996, we conclude that the submitted records are confidential and therefore must be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 39001

Enclosures: Submitted documents

cc: Ms. Mary Mitchell, Legal Assistant
Underwood, Wilson, Berry, Stein & Johnson, P.C.
P.O. Box 9158
Amarillo, Texas 79105-9158
(w/o enclosures)

¹We do not address in this ruling the effect of the legislature's action on requests for information pertaining to juvenile conduct occurring on or after January 1, 1996.